

REMARKS

Reconsideration of the application is respectfully requested. Claim 1 has been amended. Claims 1, 2, 4, 5, and 20 are pending and at issue.

Claim 1 has been amended to clarify the presence of a “contiguous synthetic resin film laminate,” which is fully contiguous with the base paper. Support for this amendment is found in the specification at, for example, page 5, first full paragraph and page 8, last paragraph to page 9, first paragraph; and in Figure 1. No new matter has been added.

Obviousness Rejections

Claims 1, 2, 4, 5, and 20 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,435,344 (“Iioka”) in view of Japanese Patent Application No. JP 2000-177039 (“JP ‘039”). Iioka is cited by the Examiner as disclosing a paper body member laminated with a polyethylene film that is heated and foamed using the moisture in the paper. The Examiner admits that Iioka does not teach the use of a vacuum suctioning device to increase foaming height. JP ‘039 is cited by the Examiner as disclosing a laminated polyethylene film that forms a foaming sheet by a method involving heating and vacuum suction, wherein the method improves productivity over conventional foaming methods. According to the Examiner, it would have been obvious to modify Iioka’s foamed sheet using vacuum suction, which JP ‘039 allegedly suggests is advantageous.

The rejection is traversed, and reconsideration is respectfully requested.

First, claim 1 has been amended to clarify that the contiguous synthetic resin film laminate is fully contiguous with the base paper. In contrast, JP ‘039 does not disclose a contiguous synthetic

resin film laminate due to the presence of the JP '039 joining inhibitor which interrupts the JP '039 laminate by covering certain parts of the outer surface of the base paper and thus preventing contact between the paper and the laminate film. Consequently, JP '039 fails to disclose both the claimed contiguous laminate and the claimed adjacent foaming cells.

Second, neither Iioka or JP '039 discloses a foamed sheet having a gap between the foaming plane and a suctioning surface of a die, as called for in the pending claims. Iioka is silent with respect to vacuum suctioning, and thus provides no guidance as to how to form a foamed sheet having the claimed gap feature, let alone how to use a vacuum suctioning die to do so. *See In re Burt*, 356 F.2d 115, 121 (CCPA 1965) ("Silence in a reference is hardly a proper substitute for an adequate disclosure of facts"). JP '039 discloses the use of a conventional aspirator (22) having a vacuum suction "attraction pipe" (23) (JP '039, ¶16, Fig. 5), but does not disclose any particular type of die having a surface that could generate a gap between a foaming plane and the suctioning surface of the die, especially because the JP '039 die has a smooth surface (i.e., no vertical ribs). Furthermore, the gaps formed in the JP '039 foaming sheet result from the use of a joining inhibitor that prevents portions of the laminate from foaming (*see* JP '039, Fig. 6). Consequently, the JP '039 foamed sheet does not have a foaming plane (i.e., *adjacent* foaming cells) and therefore does not include "a gap between the foaming plane and a suctioning surface of the die" either. In short, if one of ordinary skill used the JP '039 suctioning die with Iioka's foamed sheet, no gap would be expected to form between a foaming plane and a suctioning surface of the die.

The Examiner asserts that the gap generating surface of the die is not given patentable weight because it is not a structural limitation. Office Action, p. 3. However, the gap formed between the foaming plane and a suctioning surface of the die does, in fact, recite a structural

limitation of the foaming plane itself in that it describes the surface of the claimed foaming plane. This structural gap feature is disclosed in the specification at, for example, page 12, first paragraph; page 13, first paragraph; page 17, first paragraph; and Figures 3 and 4. More specifically, the specification describes a foamed sheet prepared using a die with a constraint means (e.g., vertical or lateral ribs) which, when vacuum suctioning is applied, allows for portions of the foaming plane to be depressed by the constraint means while other portions of the foaming plane not in contact with the constraint means are allowed to form raised or projected portions). Thus, the surface of the foaming plane, including the gap generated by the die, constitutes a structural feature of the claim and is entitled to patentable weight.

Additionally, contrary to the Examiner's assertion, JP '039 does not teach adjustment of the magnitude of the foaming of its laminate film with respect to height. *See* Office Action, p. 3 (citing JP '039, ¶17). JP '039 states that the size and position of the foaming can be adjusted by arbitrarily adjusting the size of the spot of joining inhibitor 11 (e.g., silicon oil). JP '039, ¶¶14, 17. The Examiner appears to read JP '039, ¶17 as teaching that "it is possible to adjust the magnitude of the foaming." Office Action, p. 3. However, adjustment of the size of the joining inhibitor spot does not impact the height of the foaming, and simply increases or decreases the size of the area of the joining inhibitor spot in contact with the laminate film - i.e., the size of a surface of a base portion of the foaming. JP '039 does not teach adjustment of the length of the foaming projecting outward (i.e., height of the foaming). Rather, JP '039 teaches modification of the lateral foaming area.

In view of the foregoing, the pending claims are not obvious over JP '039, and Applicant respectfully requests that this rejection be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

Dianna Goldenson

Registration No.: 52,949

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant